

**STATEMENT OF SUBSTANCE OF INTERVIEW**

An interview was conducted between Examiner Jay Patidar and the Applicant's undersigned representative on July 28, 2004. Claim 1 was discussed; in particular, the rejection of claim 1 in view of French. The Examiner indicated that based upon a cursory review of claim 15, claim 15 does not appear to be taught in the cited art. Consequently, the Examiner suggested amending the independent claims to include the subject matter of claim 15. In addition, the Examiner indicated that if upon further search, the language of claim 15 is not deemed patentable, a new non-final Office Action will be issued.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

**REMARKS**

This Amendment, submitted in response to the Office Action dated April 19, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-4, 7-14, 16-24, 29, 30 and 32-40 are now all the claims pending in the application.

**I. Rejection of claims under 103(a) as being unpatentable over French**

The Examiner rejects claims 1-4, 7-24, 29-30, 32-40 under 35 U.S.C. § 103(a) as being unpatentable over French.

**Claim 1**

Pursuant to the telephonic discussion between the Examiner and the Applicant's undersigned representative, claim 1 has been amended to include the subject matter of claim 15.

Since the cited art does not disclose the subject matter of former claim 15, claim 1 and its dependent claims should be deemed patentable.

**Claims 29 and 30**

Claims 29 and 30 have also been amended to include the subject matter of claim 15. Consequently, claims 29 and 30 and their dependent claims should be deemed patentable.

**Claim 37**

Since claim 37 recites elements similar to claim 15, it should be deemed allowable for the same reasons.

**Claims 33 and 34**

The Examiner asserts that French teaches the abnormality detection circuit of claims 33 and 34.

However, French does not teach “an abnormality determination circuit for judging the presence or absence of said abnormality in accordance with said signal representing said period and a signal representing the rotation speed of said rotary ring detected by said first sensor” as recited in claims 33 and 34. In French, only vibrations are compared with a certain threshold. Col. 8, lines 9-14. There is no indication that a rotation speed is also used to determine an abnormality. Consequently, French does not teach the elements of claims 33 and 34, therefore, claims 33 and 34 should be deemed patentable.

**Claim 36**

Claim 36 recites “said encoder is magnetized along a circumferential direction thereof and said encoder includes S and N poles and non-magnetized areas disposed on a peripheral surface thereof so as to repeat one another at regular intervals along the circumferential direction

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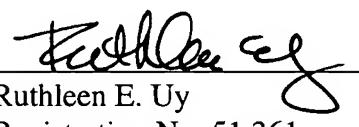
thereof." French does not teach the elements of claim 36. Moreover, merely stating that one of ordinary skill in the art can use either N-S pole encoder or a gear type encoder, is insufficient to establish a case of *prima facie* obviousness. For at least these reasons, claim 36 should be deemed patentable.

## II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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